

1984 S.C. Op. Atty. Gen. 204 (S.C.A.G.), 1984 S.C. Op. Atty. Gen. No. 84-84, 1984 WL 159891

Office of the Attorney General

State of South Carolina

Opinion No. 84-84

July 24, 1984

*1 The Honorable Alex Harvin, III
Member
House of Representatives
Post Office Box 266
Summerton, South Carolina 29148

Dear Representative Harvin:

In a letter to this office you questioned whether a woman could bring suit to obtain dower rights on property sold without her consent prior to the recent decision of the South Carolina Supreme Court in Boan v. Watson, Opinion No. 22112, filed May 22, 1984, Davis' Advance Sheets, No. 27. I am assuming that you are referencing a situation where the woman's husband is deceased.

In an opinion of this office issued this same date it was stated that:

... as of the filing of the opinion in Boan v. Watson, a woman has no dower rights except those already vested where a husband has died.

Referencing such, it is clear that a woman could bring suit to obtain dower rights on property sold without her consent where her husband was deceased prior to the filing date of the opinion in Boan v. Watson, Supra, May 22, 1984. Of course, any other procedural requirements, such as the statute of limitations, would have to be considered.

If there are any questions, please advise.

Sincerely,

Charles H. Richardson
Assistant Attorney General

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